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**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GIBSON BUCKLEY CONDIE,

Defendant,

Criminal Action No. 17-CR-124-J

UNOPPOSED MOTION FOR ORDER TO CHANGE RESTITUTION DISTRIBUTION

Comes now, the United States of America, by and through the United States Attorney for the District of Wyoming, and Assistant United States Attorney C. Levi Martin, and moves the Court for an Order changing the distribution of victim restitution as directed by the Court on May 16, 2018, in its *Order Granting Government's Motion to Amend Judgment Nunc Pro Tunc*. (Dkt. 74).¹

In that May 16, 2018 Order, the judgment was amended to reflect “that restitution in the total amount of \$2,283,702.49 shall be paid to restitution payees as follows: \$1,141,851.24 shall be paid to the United States Department of Health and Human Services, Centers for Medicare & Medicaid Services [(HHS)], and \$1,141,851.25 shall be paid to the Wyoming Department of

¹ Defendant does not oppose this motion.

Health, Division of Health Care Financing [(State of Wyoming)].” *Id.* That distribution amounts to 50% to HHS and 50% to the State of Wyoming.

As this Court knows, there is a parallel civil *qui tam* case. *See United States ex. rel. Gaskill v. Condie, et. al.*, 16-CV-201-J (D. Wyo.). On March 8, 2018, the District Court unsealed Relator’s *qui tam* complaint after the United States provided notice to the court of its election to decline intervention. The United States and the Relator have now come to an agreement as to the Relator’s claim to a “relator’s share” under 31 U.S.C. § 3730(d) of the proceeds returned to the Federal Government in this criminal action.

Accordingly, in exchange for a number of promises made by the Relator (Mark Gaskill), the United States agreed to file a motion with this Court seeking to modify the District Court Clerk’s disbursements to HHS for restitution received pursuant to the judgment. Specifically, the United States requests that the District Court Clerk be instructed to disburse restitution amounts received as follows: (1) fifty percent (50%) to the State of Wyoming; (2) forty seven and one-half percent (47½%) to HHS; and (2) two and one-half percent (2½%) to Mark Gaskill (c/o Robert Sherlock, Eisenberg, Gilchrist & Cutt -- Client Trust Account).

DATED this 3rd day of August, 2018.

MARK A. KLAASSEN
United States Attorney

By: /s/ C. Levi Martin
C. LEVI MARTIN
Assistant United States Attorney

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED that on August 3, 2018, a copy of the **Motion for Order to**

Change Restitution was served upon the following by the method indicated below:

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Attorneys for Defendant

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/s/ Kylie Severns

United States Attorney's Office